

E2SSB 6204 - H AMD TO WAYS COMM AMD (6204-S2.E AMH WAYS H4691.1)
1378

By Representative Pearson

1 On page 1, after line 2, insert the following:

2
3 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
4 RCW to read as follows:

5
6 (1) The legislature finds that:
7 (a) Offenders in total confinement may be subjected to random,
8 unannounced inspections without violating the constitutional
9 requirement that all searches be reasonable;

10 (b) Offenders on community custody, including escapees and
11 absconders, have the same expectation of privacy as offenders in total
12 confinement; and

13 (c) Requiring an offender on community custody, including escapees
14 and absconders, to submit to random, unannounced inspections is
15 therefore reasonable under the federal and state Constitutions.

16 (2) When a court sentences an offender to a term of community
17 custody under RCW 9.94A.505(2)(b) or 9.94A.650, for a crime committed
18 on or after the effective date of this section, the court shall
19 require the offender, as a condition of community custody, to submit
20 to random, unannounced inspections of his or her person, residence,
21 automobile, or other personal property.

22
23 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
24 to read as follows:

25
26 The department shall allow community corrections officers to
27 inspect the person, residence, automobile, or other personal property

1 of an offender, including escapees and absconders, under its
2 supervision in the community whenever the community corrections
3 officer, based on the officer's professional judgment and discretion,
4 has reasonable cause to believe that the offender has violated a
5 condition or requirement of his or her sentence.

6
7 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09 RCW
8 to read as follows:

9
10 (1) The department shall allow community corrections officers,
11 based on the officer's professional judgment and discretion, to
12 perform random, unannounced inspections of the person, residence,
13 automobile, or other personal property of every offender, including
14 escapees and absconders, under the department's supervision pursuant
15 to a term of community custody imposed for a crime committed on or
16 after the effective date of this section.

17 (2) The community corrections officer shall document his or her
18 rationale for conducting an inspection under this section.

19
20 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A RCW
21 to read as follows:

22
23 (1) A community corrections officer is not liable for civil
24 damages arising from an act or omission that occurs when the community
25 corrections officer provides assistance to a law enforcement officer
26 so long as the community corrections officer was acting at the request
27 of the law enforcement officer, unless the act or omission constitutes
28 gross negligence.

29 (2) A community corrections officer is not liable for civil
30 damages arising from an act or omission that occurs when the community
31 corrections officer interacts with a third party who is attempting to
32 intervene in a situation in which the community corrections officer is
33 contacting an offender on community custody or community supervision,
34 unless the act or omission constitutes gross negligence."

1
2 On page 1, line 15, after "submit to" strike "pat searches" and
3 insert "~~((pat searches))~~ a search, including a pat search"

4
5 On page 1, at the beginning of line 16, strike "searches" and
6 insert "~~((searches))~~ search"

7
8 On page 1, line 17, after "when" strike "in" and insert ":(a)
9 In"

10
11 On page 1, line 19, after "vehicles" insert "; or (b) The
12 offender has violated a condition or requirement of the sentence if
13 the search is a condition of his or her community custody under
14 section 3 of this act"

15
16 Renumber the remaining sections consecutively and correct any
17 internal references accordingly.

EFFECT: Expands the authority of community corrections officers to perform random, unannounced inspections of offenders under their supervision and provides immunity for correctional officers for damages arising from providing assistance to law enforcement or interactions with a third party attempting to intervene, during the officer's supervision of an offender.

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